

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

JOHN L. GRAVLEY,

Plaintiff,

v.

CIVIL ACTION NO. 5:09-cv-00532

TOM SCOTT,

Defendant.

MEMORANDUM OPINION AND ORDER

This action began on May 5, 2009, with the pro-se filing by the Plaintiff of a *Complaint* (Document 1) brought pursuant to 42 U.S.C. § 1983. By *Standing Order* (Document 7) entered on May 12, 2009, the matter was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court dismiss the Plaintiff's *Complaint* and remove this matter from the Court's docket.


Neither party has filed objections to the Magistrate Judge's findings and recommendation. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Plaintiff's right to appeal this Court's

Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge. The Court **ORDERS** that the Plaintiff's *Complaint* (Document 1) be **DISMISSED** and that this action be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Memorandum Opinion and Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: July 20, 2011


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA